

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JASON ERIC SWANSON,

Plaintiff,

v.

Civil Action No. 1:04CV170

**B.A. BLEDSOE,
MR. HARRELL WATTS,
K.M. WHITE, MR. WENDT,
P. WEIDMAN, R. McCLOUD, and
Mr. HARLEY LAPPIN,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaull, dated December 13, 2006. The Plaintiff did not file objections to the Report and Recommendation. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED ADOPTED**.

The Court further **ORDERS** that the Motion to Dismiss (Document No. 35) is **GRANTED**. The Plaintiff's Bivens Complaint¹ is **DISMISSED AS MOOT**, based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

¹ Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971).

The Clerk is directed to transmit true copies of this Order to the Plaintiff and all counsel of record herein.

DATED this 24th day of January 2007.

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP
UNITED STATES DISTRICT JUDGE